

AMENDED IN SENATE APRIL 28, 1997

SENATE BILL

No. 845

Introduced by Senator Haynes

February 26, 1997

An act to add Section 6046.8 to the *Business and Professions Code*, relating to the State Bar of California.

LEGISLATIVE COUNSEL'S DIGEST

SB 845, as amended, Haynes. State Bar of California: law students' examination.

The State Bar Act provides that, in order to be admitted to practice law, an applicant must meet certain requirements, including passing a general bar examination. In addition, a student attending a nonaccredited law school must pass a *first-year* law students' examination and may not receive credit for the first year or subsequent years of study until he or she has passed the examination, as specified. These examinations are given by the examining committee established by the Board of Governors of the State Bar of California.

This bill would require that, at the administration of the July 1998 general bar examination *and annually thereafter*, the examining committee must give the same essay questions on contracts, criminal law, and torts to persons taking the *first-year* law students' examination and to persons taking the general bar examination. *It would also require a comparison with past examinations in connection with the 1998 general bar examination.* The examining committee shall compare the essay question scores of persons taking the *first-year* law

students' examination against those taking the general bar examination, and shall report its findings to the ~~Judiciary Committee of the Senate and of the Assembly~~ *judiciary committees of the Legislature*.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. To determine the relative degree of~~
2 ~~difficulty of the law students' examination required by~~
3 ~~subdivision (h) of Section 6060 of the Business and~~
4 ~~Professions Code, the examining committee shall, on the~~
5 ~~first day of the administration of the July 1998 general bar~~
6 ~~examination, administer the same contracts, criminal law,~~
7 ~~and torts essay questions, at the same time, to those taking~~
8 ~~the law students' examination and the general bar~~
9 ~~examination. The written answers shall be mixed and~~
10 ~~shall be graded anonymously according to the standards~~
11 ~~for the general bar examination. The scores shall~~
12 ~~comprise the essay portion for persons taking the law~~
13 ~~students' examination. The regular multiple choice~~
14 ~~portion of the law students' examination shall be~~
15 ~~administered on the same day as the essay portion. The~~
16 ~~law students' examination and the general bar~~
17 ~~examination results shall be released at the same time.~~
18 ~~Within 30 days of the release of the results, the examining~~
19 ~~committee shall file a written report with the judiciary~~
20 ~~committees of the Legislature comparing the contracts,~~
21 ~~criminal law, and torts essay question scores of those~~
22 ~~taking the law students' examination with those taking~~
23 ~~the general bar examination.~~

24 *SECTION 1. Section 6046.8 is added to the Business*
25 *and Professions Code, to read:*

26 *6046.8. (a) To determine the relative degree of*
27 *difficulty of the first-year law students' examination*
28 *required by subdivision (h) of Section 6060, the*
29 *examining committee shall, on the first day of the*
30 *administration of the July 1998 general bar examination,*
31 *and on the first day of the administration of the July*

1 general bar examination for each year thereafter;
2 administer the same contracts, criminal law, and torts
3 essay questions, at the same time, to those taking the
4 first-year law students' examination and the general bar
5 examination. The written answers shall remain mixed,
6 graded anonymously, and graded to the same standards
7 as the general bar examination. The scores shall comprise
8 the entire essay portion for those taking the first-year law
9 students' examination. The regular multiple choice
10 portion of the first-year law students' examination shall be
11 administered on the same day as the essay portion. Each
12 of the two portions shall contain 400 points for purposes
13 of determining the passing grade for the first-year law
14 students' examination.

15 (b) For the July 1998 examination, the examining
16 committee shall select the three essay questions, one each
17 in contracts, criminal law, and torts, from questions that
18 were given on any single first-year law students'
19 examination in the past for which the individual scores
20 and at least 50 percent of the answer books have been
21 retained by the examining committee. The retained
22 answer books shall have any first-year law students'
23 examination number removed, shall be given an identical
24 cover as the examinations given in July 1998, and shall be
25 mixed with the general bar examination and the first-year
26 law students' examination answers, and graded
27 anonymously. The new scores shall then be compared
28 with the original scores received on the past first-year law
29 students' examination. The first-year law students'
30 examination and the general bar examination results shall
31 be released at the same time.

32 (c) The President of the State Bar shall ensure that the
33 examining committee and its staff fully comply with this
34 section and shall, within 30 days after the release of the
35 bar results, file a written certification of compliance and
36 a report of the results with the judiciary committees of
37 each house of the Legislature. The report shall include a
38 comparison of the contracts, criminal law, and torts essay
39 question scores of those taking the first-year law students'
40 examination and those taking the general bar

1 *examination, and for the July 1998 examination, a*
2 *comparison of both results with those who took the*
3 *first-year law students' examination in the past.*

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